



To: All Local Coordinators and Bargaining Unit Presidents

From: Vicki McKenna, RN, President

Date: November 1, 2021

Re: Hospital Central Bargaining and Human Rights Complaint Salary Schedules

C: Board of Directors, Local Coordinators, Bev Mathers, CEO, Senior Executives, ONA Staff

I am writing in follow up to the memo dated September 21, 2021.

As you know, during bargaining and in arbitration with the Participating Hospitals, ONA asserted that the RN (as set out in Article 19.01 (a) of the Central Collective Agreement) and NP salary schedules are inconsistent with, and in breach of, Section. 5(1) of the *Human Rights Code* R.S.O. 1990 c. H.19.

Under Section 5(1) of the *Code*, the hospitals have the proactive obligation to ensure that "every person has a right to equal treatment with respect to employment without discrimination because of sex."

Unfortunately, Arbitrator Gedalof was not swayed by the arguments that ONA presented during the arbitration hearing. This is not an acceptable outcome on behalf of our members.

The September 21 memo indicated that ONA would be assessing whether or not to pursue the matter in the courts. This is to advise you that the application for Judicial Review of the Gedalof arbitration decision was filed with the courts on October 22, 2021.

The basis of our application is that we believe that Arbitrator Gedalof erred in law when he failed to consider the compelling evidence presented during the arbitration hearing. By failing to grasp the full extent of the human rights arguments presented by ONA, Arbitrator Gedalof is allowing the Ontario Hospital Association (OHA) to continue its ongoing discriminatory practices.

Work will now begin to set dates and prepare our case. Ongoing updates will be provided as they become available.